

Before the

NOV 27 1995

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ERRATUM TO PETITION FOR RULE MAKING

AND

REQUEST FOR ISSUANCE OF ORDER TO SHOW CAUSE

Tyler Broadcasting Corporation ("TBC"), licensee of KTLS(FM), Ada,

Undersigned counsel has only recently learned that an error was contained

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In fact, only Channels 227C1 and 244A are allotted to Ada. Replacement Attachment B hereto is a revised Technical Exhibit that makes this correction.

While Channel 266A is not allotted to Ada, Oklahoma, TBC's proposal to reallocate Channel 227C1 from Ada to Newcastle, Oklahoma, will not deprive Ada of its only local transmission service, since Ada will retain Channel 244A and an AM station. Therefore, TBC's proposal still complies with the Commission's rules and policies concerning proposed changes in the community of license of FM stations. See, Modification of FM and TV Authorization (New Community of License), 4 FCC Rcd 4870 (1989).

At paragraphs 5 and 8 of its Petition, TBC stated that Ada has four commercial broadcast stations: KADA(AM), KADA-FM, KYKC(FM), KTLS(FM), that Ada is served by VHF commercial television station KTEN, and that Ada has an unused educational television allotment (Channel 22). Counsel has recently been advised that KYKC(FM) is actually licensed to nearby Byng, Oklahoma, and Replacement Attachment B reflects this. Ada, Oklahoma, is well-served by local broadcast media and TBC's proposal to bring first local service to Newcastle, Oklahoma, is greatly preferred to third local service to Ada under the Commission's allotment priorities, as set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 [51 RR 2d 807] (1982).

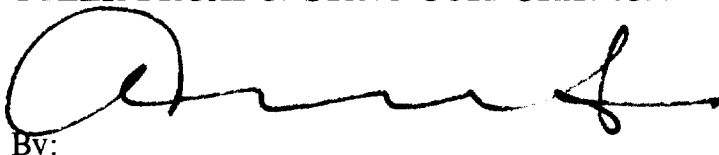
WHEREFORE, TBC respectfully requests the Commission to substitute Replacement Attachment B for Attachment B on file, and to amend Section 73.202(b) of the Commission's Rules, as follows:

Oklahoma

	<u>Present</u>	<u>Proposed</u>
Ada	227C1, 244A	244A
Newcastle	----	227C1
Watonga	228A	230A

Respectfully submitted,

TYLER BROADCASTING CORPORATION



By: _____

Gary S. Smithwick
Shaun A. Maher

Its Attorney

SMITHWICK & BELENDIUK, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

November 27, 1995

KTLS/ERRATM11.22

REPLACEMENT
ATTACHMENT B

PROPOSED RULEMAKING
Assign Channel 227C1 To Newcastle, Oklahoma
Substitute Channel 230A for Channel 228A at Watonga, Oklahoma
November 1995

PROPOSAL

It is proposed to add Channel 227C1 as first local service to Newcastle, Oklahoma by deleting Channel 227C1 at Ada, Oklahoma thus ordering KTLS to change location and city of license. This proposal requires the substitution of Channel 230A or Channel 228A at Watonga, Oklahoma.

DISCUSSION

This revised proposal shows that Channel 227C1 can be assigned to Newcastle as first service by deleting Channel 227C1 at Ada. This will leave that community with two aural services, one-FM and one AM. In addition, there are two TV Channels allocated; one being a licensed commercial station and the other one being an unused non-commercial channel.

Channel 227C1 can be assigned to Newcastle (*Allocation Study as Exhibit #1*) as that community's first local service. We have selected a reference point 7.9 km south of Newcastle (**North Latitude 35° 11' 39" and West Longitude 97° 35' 44"**). This site clears the spacing requirements of §73.207 and will allow KTLS to place a 70 dBu contour over the entire city of Newcastle. The substitution of Channel 230A for Channel 228A can be made at Watonga and KIMY can be ordered to the new channel. KIMY can utilize Channel 230A on its present tower under §73.207 (*See Exhibit #3 for the Allocation Study*). Additionally, the present KIMY channel is grandfathered short-spaced under §73.213 to KWFX Channel 228A at Woodward, OK (*See Exhibit #4*). Both of these stations currently operate with 3 kW ERP. It may be possible for KIMY and KWFX to concurrently agree to increase power to 6 kW, however, the short-space condition would still exist. This proposal eliminates the §73.213 short-space condition.

ABOUT NEWCASTLE

Newcastle, Oklahoma is an incorporated city with a mayor and council type government. Newcastle has a comprehensive city plan and zoning. The city provides all normal city functions such as water, sewage, garbage pickup, police and fire protection. The city has grown from 1,271 persons in 1970 to an estimated 4,430 persons in 1992. The 1990 census shows the population of Newcastle to 4,214 persons. Newcastle is not located in an Urbanized Area¹. The city has commercial businesses such as motels, banks, restaurants, grocery stores, schools and it has 16 churches. The city has one weekly newspaper and there are no broadcast stations assigned to Newcastle. The proposed allocation site is at North Latitude 35° 10' 44" and West Longitude 97° 36' 03". The center of Newcastle is located at North Latitude 35° 15' 00" and West Longitude 97° 36' 00". The proposed site is located 7.9 km at 180° from the center of the city².

ABOUT ADA

It is proposed to delete Channel 227C1 at Ada. This deletion will leave Ada, OK with one FM stations (*KADA 96.7 mHz*), one full-time AM station (*KADA-1230 kHz*), and one television station (*KTEN Channel 10*). Additionally, Channel 22 is allocated as an educational TV channel but this channel is currently not used. Therefore, with the deletion of Channel 227C1, Ada will be left with two aural and two television allocations. The Ada Chamber of Commerce estimates the 1994 population at 16,392 persons. The 1990 U.S. Census for Ada is 15,820 persons.

GAIN & LOSS STUDY

We have studied the effects of this proposal on the present and proposed coverage areas. Exhibit #4 shows the present KTLS 1.0 mV/m contour and the 1.0 mV/m contour from the proposed allocation point. The area gained by the proposal will be 13,169 square kilometers (*assuming a maximum Class C1 facility*) and the area lost will be 8,883.68 square kilometers (*assuming the present KTLS facilities*). Inside the gain area we find a new population³ of 948,152 persons and inside the loss area the population is 100,393. We studied the loss area to

¹ The Oklahoma City Urbanized Area is located no closer than 4.8 km from the Newcastle City Limits.

² A maximum class C1 facility will provide city grade coverage approximately 50 km from the site

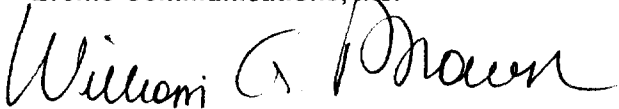
determine if adequate service would remain in the loss area to insure no area would be left without primary aural service. Our study shows that at least five aural primary services cover the entire loss area.

SUMMARY

The proposed facilities will provide first local service to Newcastle, a community meeting all of the Commission's criteria to qualify as a community. The proposal to substitute channels at Watonga, OK will eliminate a grandfathered short-space condition thus allowing KIMY to increase power to 6 kW and be properly spaced under current rules. The proposed KTLS facility at Newcastle will provide service to almost 10 times the present population without denying primary service to anyone in the loss area.

PROPOSAL		
	Present	Proposed
Newcastle, Oklahoma	—	227C1
Ada, Oklahoma	227C1, 244A,	244A
Watonga, Oklahoma	228A	230A

Bromo Communications, Inc.



William G. Brown

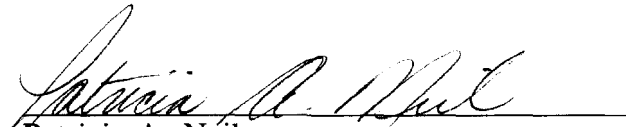
³ All population figures are from the 1990 US Census.

CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 27th day of November, 1995, copies of the foregoing were mailed, postage prepaid, to the following:

Ms. Leslie K. Shapiro (*)
Federal Communications Commission
2000 M Street, N.W.
Fifth Floor
Washington, D.C. 20554

Ms. Vera L. Dunn
502 N. Santa Fe
Anthony, Kansas 67003
Licensee of KIMY(FM), Watonga, Oklahoma


Patricia A. Neil

(*) By Hand Delivery